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April 2006

TOWNSEND AND TOWNSEND AND CREW, LLP  
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SAN FRANCISCO, CA 94111-3834

In re Application of:	:	
YUTAKA TAKATA ET AL.	:	DECISION ON PETITION TO
Serial No.: 10/632,750	:	MAKE SPECIAL FOR NEW
Filed: 01 AUGUST 2003	:	APPLICATION UNDER 37
Docket: 16869K-086100US	:	C.F.R. § 1.102 & M.P.E.P. §
Title: DISK CONTROLLER AND CONTROLLING	:	708.02 (VIII)
METHOD OF SAME	:	

This is a decision on the renewed petition filed on 28 September 2005 to make the above-identified application special under the accelerated examination procedure set forth in MPEP § 708.02(VIII) and in accordance with 37 C.F.R. § 1.102(d).

The petition to make the application special is **DENIED**.

The decision of September 1st, 2005 dismissed the petition for failing to meet the requirements of MPEP § 708.02(VIII)(e) that a detailed discussion of each of the cited references be provided.

In requesting reconsideration, petitioner provides a detailed discussion of some of the references cited on the information disclosure statements filed 01 August 2003 and 15 October 2004.


MPEP 708.02(VIII) (Eighth Edition, Oct.2005 Revision) includes the following requirements for accelerated examination: (e) Submits a detailed discussion of the references, which discussion points out, with the particularity required by 37 CFR 1.111 (b) and (c), how the claimed subject matter is patentable over the references.

The request for reconsideration further does not provide a detailed discussion of *each* of the cited references and therefore does not meet the requirements of MPEP § 708.02(VIII)(e). In the IDS filed 15 October 2004, petitioner submitted copies of nineteen (19) references deemed most closely related to the subject matter encompassed by the claims. However, several of these references—e.g., US Patent 6,760,787 to Forin and US Patent Application Publication 2004/0128456 to Kobayashi et al.--were neither mentioned nor discussed in the petition. Therefore, the petition fails to meet the requirements of MPEP § 708.02(VIII) (e) that each cited reference be discussed with the particularity required by 37 CFR 1.111 (b) and (c).

For the above-mentioned reason, the petition is denied. The application will therefore be taken up by the examiner for action in its regular turn.

Applicant has been given one opportunity to perfect the petition to make special according to the procedure set forth in MPEP § 708.02(VIII). Any additional renewed petitions to make special may or may not be considered at the discretion of the Technology Center (TC) Special Program Examiner.

Any inquiry regarding this decision should be directed to Hien H. Phan, Special Program Examiner, at (571) 272-1606.

A handwritten signature in black ink, appearing to read "Hien H. Phan", written over a horizontal line.

Hien H. Phan, Special Program Examiner  
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